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Mayor Keith A. James  
Commission President Cathleen Ward (District 1)  
Commissioner Shalonda Warren (District 2)  
Commissioner Christy Fox (District 3)  
Commissioner Joseph A. Peduzzi (District 4)  
Commissioner Christina Lambert (District 5)

City Administrator Faye W. Johnson  
City Attorney Kimberly Rothenburg  
City Clerk Shaquita Edwards

**City of West Palm Beach  
City Commission  
Agenda  
Monday, June 10, 2024  
5:00 PM**

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three days prior to any proceeding, contact the City Clerk's Office, 401 Clematis Street, West Palm Beach, FL 33401, (561) 822-1210.

**1. CALL TO ORDER**

**2. MOMENT OF SILENCE**

**3. PLEDGE OF ALLEGIANCE**

**4. CIVILITY AND DECORUM**

The City of West Palm Beach is committed to civility and decorum by its officials, employees and members of the public who attend this meeting. The City Code, Secs. 2-31(8), 2-31(18) and 2-31(22), provides in pertinent part:

- Officials shall be recognized by the Chair and shall not interrupt a speaker.
- Public comment shall be addressed to the City Commission as a whole and not to any individual on the dais or in the audience.
- Displays of anger, rudeness, ridicule, impatience, lack of respect and personal attacks are strictly prohibited.
- Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted.
- Offenders may be removed from the meeting.
- Any person desiring to address the Commission **shall** file a written request with the city clerk prior to consideration of the matter by the Commission or prior to the public comment portion of a meeting. The person wishing to speak **shall** complete a comment card for each agenda item the person wishes to address, which **shall** include the person's full name, address, and the numbered agenda item. The person will not be recognized if the comment card is not completed.

## 5. ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA

## 6. PROCLAMATION

- 6.1. Proclaiming June 2024 as: LGBTQ+ Pride Month. Proclamation to be accepted by Donna Weinberger, Founder of Transpire Help; and Melissa P. Anderson, Senior Assistant City Attorney, City of West Palm Beach.

**Originating Department:**  
Mayor's Office

## 7. CONSENT CALENDAR

All items listed under the consent calendar are considered routine and will be enacted by one motion. There will be no separate discussion of these items.

- 7.1. Minutes of the Regular City Commission Meeting of April 1, 2024.

**Originating Department:**  
Mayor's Office

- 7.2. Minutes of the Special City Commission Meeting of April 11, 2024.

**Originating Department:**  
Mayor's Office

- 7.3. Minutes of the Regular City Commission Meeting of April 15, 2024.

**Originating Department:**  
Mayor's Office

- 7.4. Minutes of the Regular City Commission Meeting of April 29, 2024.

**Originating Department:**  
Mayor's Office

- 7.5. Resolution No. 119-24(F) amending the Fiscal Year 2023/24 Miscellaneous Trust Fund Budget to authorize appropriations of \$76,998 from State Law Enforcement Forfeiture Receipts for law enforcement equipment.

**Originating Department:**  
Police

**Ordinance/Resolution:**

RESOLUTION NO. 119-24(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2023/2024 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE

MISCELLANEOUS TRUST FUND BUDGET TO PROVIDE APPROPRIATIONS IN THE AMOUNT OF \$76,998 FROM THE STATE LAW ENFORCEMENT FORFEITURE RECEIPTS FOR LAW ENFORCEMENT EQUIPMENT TO INCLUDE WORKSTATIONS, RECORDS REDACTION SOFTWARE, SECURE EVIDENCE LOCKERS, DISPATCH CENTER CCTV EQUIPMENT, AND RAPID ID IDENTIFICATION SCANNERS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Pursuant to the Florida Contraband Forfeiture Act, when a law enforcement agency obtains title to the forfeited property, the agency shall use the funds to pay for court costs incurred in the forfeiture proceedings. After that, the remaining funds shall be used for school resource officers, crime prevention, safe neighborhood, drug abuse education and prevention programs, or other law enforcement purposes; which include defraying the cost of protracted or complex investigations, providing additional equipment or expertise, purchasing automated external defibrillators for use in law enforcement vehicles, and providing matching funds to obtain federal grants. These funds may be expended upon request by the Chief of Police to the City Commission and upon appropriation to the police departments' miscellaneous trust fund as the municipality's governing body deems appropriate.

At the direction of the Chief of Police, the West Palm Beach Police Department (WPBPD) is seeking approval for the allocation of State Law Enforcement Trust funds for the following law enforcement equipment:

**CASE GUARD REDACTION SOFTWARE(\$4,545):** The WPBPD is in need of expanding the records redaction software capabilities. The Records Department is tasked with redacting all police records, to include documents, print media, video, audio, and digital images. The redaction process is labor-intensive on the records staff. Advances in technology have made available redaction software utilizing Artificial Intelligence (AI), which greatly increases the efficiency and time management of records personnel. The Records Department, with the approval of the Information Technology (IT) Department, has selected the Case Guard Studio software subscription, which includes unlimited video, audio, image, and document redaction plus 240 hours of automatic AI transcription/translation for audio or 48,000 pages of automatic AI document analysis. Three (3) hours of online training is also included. The cost of the product and training is \$4,545.

**EVIDENCE/PROPERTY DEPARTMENT SECURE STORAGE(\$14,942):** The WPBPD is seeking to increase the secure storage of the Evidence/Property Department with the addition of secure storage lockers for the placement of items of evidence and found property. Maintaining a secure chain of custody of evidence and found property is crucial for the

investigative and court proceedings. The cost of the storage lockers is \$14,942.

**SPECIAL INVESTIGATIONS DIVISION EQUIPMENT(\$33,976):** The Special Investigations Division (SID) operates and conducts special criminal investigations in an office within the headquarters of the Police Department. Conducting effective and efficient criminal investigations requires sworn investigators to utilize workstations, including desks, chairs, file cabinets, and other office furnishings. SID operations also include in-person interviewing of witnesses, victims, and persons of interest in the SID work area. Additionally, SID frequently hosts meetings and operational planning sessions with other law enforcement agencies in the SID work area. All the listed functions require the SID work area to be properly furnished to fulfill the department's mission. The current furnishing is original to the work area, having an approximate age of twenty-five (25) years. The total cost for new workstations and furnishing is \$33,976.

**POLICE DISPATCH CENTER SECURITY EQUIPMENT(\$8,885):** The Dispatch Center is the central nervous system of the Police Department for receiving, dispatching, and managing all police communications and operations. The Dispatch Center needs to add CCTV cameras within the operations center. The City of West Palm Beach IT Department has contracted with Gerelcom Inc. to install CCTV equipment within the Dispatch Center. The total cost of equipment and installation is \$8,885.

**HID GLOBAL RAPID ID SCANNERS(\$14,650):** The WPBPD seeks to upgrade the currently non-functioning rapid identification portable fingerprint scanners with the HID Global Nomad 30/Commander ArcID system. The requested system is certified by the Florida Department of Law Enforcement (FDLE), Federal Bureau of Investigation (FBI), and Criminal Justice Information Services (CJIS) compliant. The system is used for rapid identification purposes in the field, mitigating labor-intensive and time-consuming manual identification processes. The system uses digital and biometric technology in a handheld device. The cost of fifteen (15) devices is \$14,650.

**TOTAL REQUEST = \$76,998**

The items listed are in compliance with the guidelines set forth in the U. S. Department of Justice and U. S. Department of the Treasury – Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies and FSS 932.7055 – Disposition of Items and Forfeited Property.

**Fiscal Note:**

Approval of this item will provide appropriations in the amount of \$76,998 from State Law Enforcement Forfeiture Receipts for law enforcement equipment.

- 7.6. Resolution No. 126-24 authorizing the provision of Child Care Services at Pleasant City and South Olive Community Centers; approving a State of Florida Statewide School Readiness Provider Contract and a Children's Services Provider Contract to provide funding for the provision of said services.

**Originating Department:**

Parks and Recreation

**Ordinance/Resolution:**

RESOLUTION NO. 126-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE PROVISION OF CHILD CARE SERVICES AT THE PLEASANT CITY COMMUNITY CENTER AND THE SOUTH OLIVE COMMUNITY CENTER; APPROVING AND AUTHORIZING THE MAYOR TO SIGN A STATE OF FLORIDA STATEWIDE SCHOOL READINESS PROVIDER CONTRACT BETWEEN THE EARLY LEARNING COALITION OF PALM BEACH AND THE CITY FOR APPROXIMATELY \$50,000 IN FUNDING FOR THE PROVISION OF SAID SERVICES; APPROVING AND AUTHORIZING THE MAYOR TO SIGN A CHILDREN'S SERVICES COUNCIL PROVIDER CONTRACT BETWEEN CHILDREN'S SERVICES COUNCIL AND THE CITY FOR ADDITIONAL FUNDING FOR THE PROVISION OF SAID SERVICES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The City's Parks and Recreation Department, in conjunction with the Palm Beach County Early Learning Coalition (the "Coalition") and the Children's Services Council ("CSC"), provides childcare services for school-age children at the City's two (2) licensed facilities: Pleasant City and South Olive Community Centers. The services are provided part-time for after-school hours, full-time on days when there is no school, and during the summer. The services include child care, instruction and activities, and character development programs.

The City receives financial assistance for the provision of these services through the Coalition. The terms and conditions for the receipt of this assistance are set forth in the State of Florida Statewide School Readiness Provider Contract (Form OEL-SR 20) between the City and the Coalition and the CSC Provider Contract, which the Coalition funds through the CSC. The School Readiness Provider Contract generally provides that the City will provide the facility, the services, and service personnel for the provision of the services, and the Coalition will provide the funds, training for City staff, and monitoring. Through the CSC Contract, scholarships are provided for eligible children in the School

Readiness Program. The CSC Contract requires the City to meet various obligations to receive funding, including the requirement that the City must be a member of Prime Time Afterschool QIS, exclusive to PBC. The City meets this requirement. Approximately thirty (30) children are funded directly through the Coalition, and approximately twenty (20) children are funded directly through the CSC scholarship program. The City expects to receive approximately \$50,000.

The term of each agreement is one (1) year. Agreements are identified as Exhibit A and Exhibit B in Resolution No. 126-24. Staff recommends approval of the Resolution and the Agreements.

Commission District 1: Commissioner Cathleen Ward.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

No fiscal impact.

- 7.7. Resolution No. 121-24 approving a Special Event License Agreement with National Pan-Hellenic of Palm Beach County, Inc. for the "Annual Greek Picnic" event on Saturday, June 22, 2024, in Lincoln Park and authorizing the issuance of a permit for the sale, possession, and consumption of alcoholic beverages at the event.

**Originating Department:**

Parks and Recreation

**Ordinance/Resolution:**

RESOLUTION NO. 121-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPECIAL EVENT LICENSE AGREEMENT BETWEEN THE CITY AND NATIONAL PAN-HELLENIC OF PALM BEACH COUNTY, INC. FOR THE PURPOSE OF CONDUCTING A 3RD ANNUAL GREEK PICNIC AT LINCOLN PARK ON JUNE 22, 2024 FROM 11:00 AM TO 6:00 PM; AUTHORIZING THE ISSUANCE OF A PERMIT TO THE PAN-HELLENIC COUNCIL OF PALM BEACH COUNTY, INC. FOR THE SALE, CONSUMPTION, AND POSSESSION OF ALCOHOLIC BEVERAGES AT THE 3RD ANNUAL GREEK PICNIC SPECIAL EVENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The National Pan-Hellenic Council of Palm Beach County, Inc. has submitted an application to produce the "3rd Annual Greek Picnic" event on Saturday, June 22, 2024, from 11:00 AM to 6:00 PM at Lincoln Park. This will be the third time this event is being held in West Palm Beach. During this event, the National Pan-Hellenic Council of Palm Beach County, Inc. will serve food, alcoholic, and non-alcoholic beverages.

Pursuant to Article Section 78-152 of the City Code of Ordinances, a special event permit is required to host a special event in a City park, and Section 58-85 of the Code of Ordinances requires approval of the City Commission, subject to conditions, for the sale, possession, and consumption of alcoholic beverages in a City park during a hosted special event.

The National Pan-Hellenic Council of Palm Beach County, Inc. will pay the City of West Palm Beach (CWPB) a \$1,492 special event permit fee, a \$500 special event security deposit, and will provide the CWPB general liability insurance and liquor liability insurance. Both insurance policies will list the CWPB as the additional insured.

Resolution No. 121-24 approves a Special Events License Agreement between the City and the National Pan-Hellenic Council of Palm Beach County, Inc. It authorizes the issuance of a permit for the sale, consumption, and possession of alcoholic beverages at the event.

Commission District 4: Commissioner Joseph Peduzzi.

**Fiscal Note:**

Permit revenues will be received as stated.

- 7.8. Resolution No. 139-24(F) authorizes the use of General Fund and Fire Assessment Fee Fund discretionary fund balance to provide appropriations for consulting services for the restoration of Evergreen Cemetery and for Fuel Tank replacements at the Operations & Maintenance (O&M) Complex, Police Station, and Fire Station 2.

**Originating Department:**

Public Works & Support Services

**Ordinance/Resolution:**

RESOLUTION NO. 139-24(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2023/2024 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL, FIRE ASSESSMENT FEE, AND CAPITAL ACQUISITION FUND BUDGETS TO APPROVE THE USE OF GENERAL AND FIRE ASSESSMENT FEE DISCRETIONARY FUND BALANCE PROVIDING APPROPRIATIONS FOR FUEL TANK REPLACEMENTS AND CONSULTING SERVICES FOR EVERGREEN CEMETERY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

In recent years, at the conclusion of the annual audit, the City has

analyzed the discretionary fund balance within the general fund and utilized these funds for one-time funding needs outside of the budget process. This one-time funding process allowed the City to allocate these discretionary funds towards immediate, or in some cases, emergency needs instead of utilizing contingency funds.

The one-time funding process will again be utilized in FY2025 with a full presentation at an upcoming Mayor/Commission workshop. However, there are four (4) items that are time sensitive and critical to move funding forward as soon as possible. Three (3) of the items relate to fuel tanks replacements, and the other item relates to Evergreen Cemetery. As it relates to the fuel tanks, the City has been notified by our insurance carrier that our current fuel tanks at the O&M Complex, Police Station, and Fire Station 2 are at end of life and need to be replaced this year in order to ensure insurability for the upcoming fiscal year. Risk Management received this information from our insurance carrier in February 2024. The fuel tank projects will be managed by each department individually, as they all have different needs and requirements. Staff will confer with each other to gain synergies and savings where possible. The total request for the three (3) fuel tank replacements is \$3,495,813 as follows:

**O&M Complex: \$2,920,813**

The costs to replace the current underground fuel storage tanks at the O&M Complex include removal of existing tanks, testing of the soil, filling of the old tanks, removal of the fuel canopy, installation of above ground fuel storage tanks, replacement of the fuel canopy, and a new fuel distribution system.

**Police Station: \$425,000**

The cost to replace the underground diesel tank supplying the Police headquarters building generator includes the removal of the existing tank and replacement of a new tank.

**Fire Station 2: \$150,000**

Fire Station 2 has a 1,000 gallon above ground diesel fuel storage tank system. The request is to increase the size of the tank to 1,500 gallons, which would allow the fire trucks to refuel at Fire Station 2, rather than travel miles out of the zone. This would also improve the response time of those calls associated with Fire Station 2 units responding from the City Complex or Fire Station 5 fuel pumps. The proposed tank will need to have full dispenser capabilities, so that firetrucks can fuel on site. From a Continuity of Operations Plan (COOP) standpoint, this diversifies the ability to fuel all City diesel vehicles at fire stations with tanks in a hurricane.

Regarding Evergreen Cemetery, the condition of the Cemetery and certain reported activities have been an ongoing source of concern



expressed by residents at past and recent City Commission meetings. Since 2021, Administration explored various private and public funding options for the improvements to Evergreen Cemetery. Engineering Services and Parks & Recreation staff have been working with two (2) consultants that developed a Scope of Work to improve the conditions at Evergreen Cemetery. The scope includes hiring a consulting firm that specializes in historic cemetery preservation to perform research into the history of the cemetery and learn about the rich culture of those who are buried there, and Civil Engineers specializing in developing a plan for improvements and to work with sub-consultants to explore, by means of ground penetrating radar, the locations and remains of all marked and unmarked lots. The estimated cost of the work by the two (2) consultants is \$150,000. Approval of the \$150,000 will allow the research to begin sooner rather than later. Funding for the restoration of the cemetery is under review and will be included in the FY2025 One-Time Funding proposal.

The total one-time funding request is \$3,645,813 to be funded with the General Fund and Fire Assessment Fee discretionary fund balance.

**Fiscal Note:**

Approval of this item will utilize General Fund and Fire Assessment Fee discretionary fund balance to provide appropriations for consulting services and fuel tank replacements.

## 8. RESOLUTIONS

- 8.1. Resolution No. 42-24 authorizing the issuance of an Invitation to Negotiate ("ITN") for the lease and/or purchase and development of City-owned properties on the Broadway Corridor.

**Originating Department:**

Housing and Community Development

**Ordinance/Resolution:**

RESOLUTION NO. 42-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH AUTHORIZING THE ISSUANCE OF AN INVITATION TO NEGOTIATE FOR THE PURCHASE AND DEVELOPMENT OF CITY-OWNED PARCELS LOCATED ON THE BROADWAY CORRIDOR; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 42-24.

**Background Information:**

On November 13, 2023, by way of Resolution No. 246-23, the City Commission of the City of West Palm Beach made a determination of surplus for multiple City-owned parcels along the Broadway Corridor

specifically located at:

- 2803 Broadway Avenue, West Palm Beach, Florida
- 2813 Broadway Avenue, West Palm Beach, Florida
- 2815 Broadway Avenue, West Palm Beach, Florida
- 601 27th Street, West Palm Beach, Florida
- 611 27th Street, West Palm Beach, Florida

The City Commission further directed City staff to develop an invitation to negotiate (ITN) for the purchase and development of the properties. In accordance with this directive, staff has drafted an ITN to solicit proposals that will maximize the development potential of the site and meet the following project goals:

- **Mixed Use:** Provides a robust mix of uses, including residential and commercial and/or retail;
- **Workforce Housing:** Provides mixed-income housing options, including a considerable percentage/number of workforce housing units. Several tiers of affordable/workforce housing between 80% and 120% of the Area Median Income should be provided;
- **Design:** Incorporates visually appealing elements into the design;
- Enhances the overall quality and appeal of the surrounding neighborhoods, including the directly adjacent single-family residential neighborhood;
- Spurs additional redevelopment in the Broadway Corridor;
- Provides economic impact and provides community benefits;
- Commits to utilize small business and Minority and Women-Owned Businesses as well as local hiring; and
- Generates return to the City through the purchase and/or lease price and/or new tax revenue attributable to the project.

The City will only consider proposals where all parcels are being purchased and assembled to develop a mixed-use, mixed-income development. In addition, the ITN will only consider projects that provide an array of mixed-income housing options, including workforce housing units at or below 120% of the Area Median Income as set forth each year by the Department of Housing and Urban Development.

The ITN indicates that revisions to the BMUD zoning and the workforce housing incentives are forthcoming, and if approved, the project will be

required to meet those requirements.

The ITN also includes parameters providing for a transparent review and selection process. In accordance with the solicitation document, the City will establish one (1) review committee to review and rank the proposals. The City Commission may select up to two (2) proposers with whom the City will negotiate proposed sale and development terms, or choose to shortlist up to three (3) proposals for presentations and/or for additional due diligence to be completed by staff.

In accordance with Section 2-31(27)(b) of the Code of Ordinances of the City of West Palm Beach, Florida, the City Commission must approve the ITN prior to publication. Resolution No. 42-24 approves the proposed ITN.

The subject properties are located within Commission District 1: Commissioner Cathleen Ward.

**Fiscal Note:**

This agenda item has no direct fiscal impact.

- 8.2. Resolution No. 114-24 approving the Local Housing Assistance Plan (LHAP) for Program Years 2024-2025, 2025-2026, and 2026-2027; authorizing the Mayor to execute all documents, certifications, and agreements necessary for submission of the plan, receipt of grant funds, and award of grant funds to sub-recipients.

**Originating Department:**

Housing and Community Development

**Ordinance/Resolution:**

RESOLUTION NO. 114-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE LOCAL HOUSING ASSISTANCE PLAN (LHAP) FOR PROGRAM YEARS 2024-2025, 2025-2026, AND 2026-2027; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS AND CERTIFICATIONS NECESSARY FOR SUBMISSION OF THE LHAP FOR REVIEW AND APPROVAL BY THE FLORIDA HOUSING FINANCE CORPORATION; AUTHORIZING THE MAYOR TO EXECUTE ALL AGREEMENTS AND RELATED DOCUMENTS NECESSARY TO RECEIVE THE GRANT FUNDS AND TO AWARD THE GRANT FUNDS TO SUBRECIPIENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 114-24.

**Background Information:**

The State of Florida enacted the William E. Sadowski Affordable Housing

Act, Chapter 92-317 of Florida Sessions Laws, allocating a portion of documentary stamp taxes on deeds to local governments to develop and maintain affordable housing. The State Housing Initiatives Partnership (SHIP) Program is a State of Florida entitlement grant program that funds local governments to produce and preserve housing opportunities to serve very low, low, and moderate income individuals and families.

To be eligible for SHIP funds, pursuant to Section 420.9075, Florida Statute, and Rule 67-37, Florida Administrative Code, entitlement communities must prepare an LHAP outlining its strategy for the use of the funds and submit the plan to the Florida Housing Finance Corporation for review and approval every three (3) years.

The Housing and Community Development Department has prepared a three-year Local Housing Assistance Plan for program years 2024-2025, 2025-2026, and 2026-2027.

The strategies outlined in the proposed LHAP, along with the proposed funds allocation, include, but are not limited to:

- Multi-family Rental Housing Strategy: Designed to promote the production of affordable multi-family rental housing in the City.
- Rapid Rehousing Strategy: Created to assist individuals or families who require security and/or utility deposits or temporary rental assistance to gain or maintain housing stability.
- Construction and Redevelopment - Homeownership Strategy: Designed to promote the acquisition/rehabilitation or construction of infill housing for homeownership opportunities.

The LHAP further establishes an average area purchase price for new and existing housing benefiting from awards made pursuant to the Act, which may not exceed 90% of the average area purchase price established by the U. S. Treasury Department. As of July 2023, the SHIP purchase price limit for Palm Beach County is \$568,557.

Additionally, Section 420.9075(7), Florida Statute provides that only five percent (5%) of the local housing distribution plus five percent (5%) of program income may be used for administrative costs unless the governing body finds, by resolution, that such sum is insufficient to adequately pay the necessary costs of administering the plan. In that event, eligible municipalities receiving a local housing distribution of up to \$350,000 may use up to ten percent (10%) of each local housing distribution plus five percent (5%) of program income for administrative costs.

Resolution No. 114-24 finds that the necessary costs of administering the LHAP for the City of West Palm Beach exceeds five percent (5%) of the local housing distribution plus five percent (5%) of program income and provides for the use of ten percent (10%) of each fund for administrative costs.

Resolution No. 114-24 also approves the proposed LHAP and authorizes submittal to the Florida Housing Finance Corporation.

**Fiscal Note:**

SHIP funds are advanced to the City from Florida Housing Finance Corporation and are generally distributed on a quarterly basis. Budget line item appropriations will be set up in the FY25 Grant fund budget and each subsequent budget year.

## 9. PUBLIC HEARING

- 9.1. Public Hearing and Second Reading of Ordinance No. 5101-24: A privately-initiated request for a text amendment to the Zoning and Land Development Regulations to allow the sales of Golf Carts in the Transition Sub-District of the Northwood Mixed-Use District (NMUD).

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5101-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 94 (ZONING AND LAND DEVELOPMENT REGULATIONS), ARTICLE VII (SPECIAL DISTRICTS), SECTION 94-210 (NORTHWOOD MIXED-USE DISTRICT), TABLE VII-9, RETAIL SERVICES, ITEM 87 "MOTOR VEHICLE SALES AND RENTAL (NO SERVICE) ENCLOSED", AND ARTICLE IX (EXTRA REQUIREMENTS FOR SPECIAL USES OR PERMITTED USES), SECTION 94-273, ITEM 49 (MOTOR VEHICLE SALES AND RENTAL ESTABLISHMENTS, NO SERVICE), TO PERMIT THE SALES OF SMALL RECREATIONAL VEHICLES WITH ADDITIONAL REQUIREMENTS WITHIN THE TRANSITION AREA OF THE NORTHWOOD MIXED-USE DISTRICT; DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5101-24 on Second Reading. The ordinance amends Sections 94-210 and 94-273 of the City of West Palm Beach Zoning and Land Development Regulations to permit the sales of small

recreational vehicles with additional requirements within the Transition area of the Northwood Mixed-Use District (NMUD) as the amendment is consistent with the Comprehensive Plan of the City and meets the standards for amendment in Section 94-32 of the Code.

**Background Information:**

(THE INFORMATION BELOW IS A GENERAL SUMMARY. A FULL ANALYSIS IS INCLUDED IN THE STAFF REPORT.)

The proposed text amendment to the City's Zoning and Land Development Regulations (ZLDRs) corresponds with a privately initiated application to permit the sales of small recreational vehicles with additional requirements within the Northwood Mixed-Use District (NMUD).

BACKGROUND HISTORY

The NMUD is a compact, pedestrian-oriented, mixed-use district that serves Northwood, Pleasant City, and other surrounding areas. This mixed-use district has historically significant buildings with an eclectic mix of businesses, artist studios, and retail shops. It provides for urban types of development regulations concerning setbacks, parking requirements, location, height limitations, and permitted uses.

The intent of the development standards for the NMUD is to reinforce the existing architectural character to create a place of common vision and physical predictability for all new construction and renovations, to provide areas for the concentration of compatible land uses that are complementary to the surrounding neighborhoods and public spaces, and to encourage historic preservation and a pedestrian-friendly transit-oriented environment.

The NMUD is a mixed-use district comprised of three (3) Sub-Districts: the Edge Sub-District to the north, the Core Sub-District to the west, and the Transition Sub-District to the south, east, and a portion of the west. It is generally bounded by historic single-family high-density residences to the north, general commercial properties to the south, mixed-use properties to the east, and light industrial properties to the west.

ANALYSIS

According to the Zoning and Land Development Code, sales of electric golf carts are not permitted within the NMUD Transition Sub-District. For that reason, the applicant applied for a text code amendment to lift the prohibition and to allow for the sale of electric golf carts with no outdoor display of vehicles within the NMUD Transition Sub-District.

The subject property proposed to operate the use is located within the NMUD Transition Sub-District. It is generally bounded by properties

within the NMUD Transition Sub-District to the north and the west. Properties to the south are located within the General Commercial Zoning District, and properties to the east, across North Dixie Highway, are located within the Recreation and Open Space Zoning District. The subject property is also located within the Community Redevelopment Agency (CRA) overlay and Northwood Road Historic District (NRHD). Originally, the applicant submitted a permit application for the sales of electric golf carts in a vacant unit located at 2405 North Dixie Highway, within the Transition Sub-District area of NMUD.

Upon research, staff found that the City of West Palm Beach ZLDRs does not provide a specific definition for "Golf Carts". Therefore, based on State statute and NAICS category code 441227, City staff determined that golf carts are classified as "small recreational vehicles". According to Chapter 94, Appendix A, Item 87, sales of "small recreational vehicles" fall under the category of Motor Vehicle Sales and Rental (No service). This use is currently prohibited within the NMUD Transition Sub-District area, as well as within the NMUD Core and along the Dixie Highway corridor between 23rd Street and 25th Street.

Upon review, staff determined that additional elements of Section 94-273, Item 49, need to be updated to reflect the proposed use. The current regulation language prohibits Motor Vehicle Sales and Rental (No service) within the NMUD Transition Sub-District, as well as along North Dixie Highway, between 23rd Street and 25th Street. The revised regulation will grant permission for the sales of recreational vehicles within the NMUD Transition Sub-District.

Staff's amendment to Section 94-273, Item 49, "Motor Vehicle Sales and Rental Establishments (No service)," will: (1) grant permission for the use, (2) add the requirement for a P (12) permit approval for the use, and (3) add conditions required for the use. Additionally, staff has found that the proposed use is similar to other retail businesses already permitted within the NMUD Transition Sub-district and around the local community. Therefore, to permit such use within the areas herein discussed, additional language must be included in the ZLDRs. The proposed addition falls under "additional application requirements" as part of the code change listed in Section 94-273, Item 49 (a) that must be met for the use to be granted a permit if it meets the additional requirements (P12) as follows:

1. For sales of small recreational vehicles:
  - i. Minimum site dimension of 1000 square feet
  - ii. No outdoor display for sales or rental of motor vehicles allowed.

Moreover, according to Section 94-210, Table VII-9 (Permitted Uses in

the Northwood Mixed Use District), “Motor vehicle sales and rental (no service) enclosed” is a use that is already permitted within the NMUD Edge Sub-district with restrictions in properties located on the west side of Pinewood Avenue, east of the railroad tracks, north of 25th Street, and south of 26th Street (refer to note P-9). Small recreational vehicle sales are similar to retail businesses use that are already permitted in the NMUD.

Staff found that the sale of small recreational vehicles will not have a negative impact on the nearby communities by providing an alternate means of mobility to residents while boosting the local economy and improving local transportation to residents and local users of Currie Park and other public places.

Therefore, to further the City’s goals of having NMUD users meet their needs within the community while improving the city’s economy, staff supports allowing the use of NMUD Transition Sub-District subject to additional requirements. The use remains permitted with additional requirements (note P9) within the NMUD Edge Sub-district and remains prohibited within the NMUD Core Sub-district. Zoning staff worked with the City's CRA staff on the language for this text amendment.

The presented text amendments meet all eight (8) required amendment standards found in Section 94-32 of the City of West Palm Beach ZLDRs and are consistent with the Comprehensive Plan. Second Reading will be scheduled for June 10, 2024.

After a Public Hearing on April 16, 2024, the Planning Board unanimously recommended approval (6-0) of the proposed text amendment to the City Commission.

### PUBLIC NOTICE

Individual notices were mailed to all property owners within the existing and proposed boundaries of NMUD and all property owners within 500 feet of the area subject to this request. Per the advertising requirements in the Code of Ordinances, this Ordinance was advertised before Second Reading on May 31, 2024.

### COMMISSION DISTRICT

Commission District 1: Commissioner Cathleen Ward.



## **10. COMMENTS FROM THE PUBLIC**

Public comments are limited to three (3) minutes. Anyone wishing to address the Commission should complete a "Comments by the Public" card and present it to the City Clerk prior to the Public Comments. When you are called to speak, please go to the podium and state your name and address for the record prior to addressing Commission. The Commission will not discuss the matter nor respond to the comment this evening. Comments made will become part of the record and may be addressed at a later date.

## **11. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS**

## **12. ADJOURNMENT**

\*Pursuant to Resolution No. 179-95, adopted according to the provisions of Section 286.0115, Florida Statutes, members of the Commission shall disclose on the record: 1) ex-parte communications - verbal or written; 2.) written communications shall be placed in the record; and 3) site visits, investigations, etc. shall be disclosed.

NOTICE: If any person decides to appeal any decision made by the City Commission at this meeting, that person will need a record of the proceedings, and that, for such purposes, may need to ensure that a verbatim records of the proceedings be made, which record includes the testimony and evidence upon which the appeal is based. The City of West Palm Beach does not prepare or provide such record.